

## **REMARKS**

With this Response, Applicants respectfully request that claims 2-3, 9-10, and 15-16 be canceled without prejudice. Additionally, claims 1, 4-5, 8, 11-14, and 17 are amended. Applicants present new claims 21-23 herein, depending from independent claims 1, 8, and 14, respectively. Therefore, claims 1, 4-8, 11-14, 17-19, and 21-23 are pending.

## **REJECTIONS UNDER 35 U.S.C. § 103**

### **Claims 1, 8, 12, 14 and 18**

Claims 1, 8, 12, 14 and 18 were rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,061,721 of Ismael et al. (hereinafter "Ismael") in view of U.S. Patent Publication No. 2002/0188610 of Spencer (hereinafter "Spencer"). Applicants respectfully submit that these claims are not rendered obvious by the cited references for at least the following reasons.

Of these claims, 1, 8, and 14 are independent claims. Each independent claim recites features directed to a cluster with application server instances each having **at least one server node dedicated for presentation logic and at least one server node dedicated for business logic**, and a central services instance with a **monitor tree structure to provide an integrated view of resource data** to an administrator.

The Office Action acknowledges that Ismael is defective with respect to the application server instances and the central services instance. The Office Action cites Spencer as curing these deficiencies. Even assuming, solely for the sake of argument, that Spencer discloses what is asserted, Applicants do not concede that the teachings of Spencer can be combined with the teachings of Ismael without innovative modification. Thus, Applicants do not concede that the combination of Spencer and Ismael is the combination of known methods in known ways, as required by the Supreme Court in *KSR* for proper combination.

However, even assuming that the references are properly combinable, the combination of the references fails to disclose or suggest at least one feature of the invention as recited in the claims, and so fails for at least this reason to support an obviousness rejection of the claimed invention. Applicants' independent claims are directed to a monitor tree structure to provide an integrated view of resource data, and having such a monitor tree in the network architecture recited, with a central services instance and application server instances including at least one

server node dedicated for business logic and at least one server node dedicated for presentation logic. Such a network architecture is absent from Ismael, and no such monitoring appears to be present in Ismael.

Furthermore, even assuming such a network architecture is present in Spencer, the reference discusses the organization and functioning of its network, but fails to discuss the use of the monitor tree structure to provide an integrated view of resource data of the network. Rather, it appears to Applicants that the use of the MBeans in Spencer has to do with a determination by the network of how to allocate requests among the various servers. See, for example, paragraphs [0087], [0088], [0092]. Applicants do not understand the reference as disclosing or suggesting the monitor tree recited in Applicants' claims. Therefore, Spencer fails to cure the deficiencies of Ismael. Whether alone or in combination, the cited references fail to disclose or suggest at least one feature of Applicants' invention as recited in the independent claims, and so fail to render obvious the invention as recited in the independent claims. The remaining claims, as dependent claims, are not rendered obvious by the cited references for at least the same reasons set forth for the independent claims.

**Claims 2-7, 9-11, 13, 15-17 and 19**

Claims 2-7, 9-11, 13, 15-17 and 19 were rejected under 35 U.S.C. 103(a) as being unpatentable over Ismael and Spencer as applied to claims 1, 8 and 14 above, and further in view of U.S. Patent Publication No. 2002/0029298 of Wilson (hereinafter "Wilson"). Claims 2-3 are canceled and incorporated into claim 1; likewise with claims 9-10 and 15-16 with claims 8 and 14, respectively. The merits of Ismael and Spencer are discussed above with respect to independent claims 1, 8, and 14, from which each of these claims depends. The references fail to disclose or suggest at least one feature of the invention as recited in the independent claims, and so fail to render obvious the independent claims or their dependent claims.

Wilson is not cited as curing the deficiencies of Ismael and Spencer, discussed above, nor indeed does Wilson cure the deficiencies of Ismael and Spencer. Wilson appears to disclose a monitoring system, where individual monitor agents communicate information to a manager. However, Wilson does not appear to disclose or suggest the monitoring in the network architecture as discussed above, and so fails to cure the deficiencies of Ismael and Spencer. Thus, whether alone or in combination, the cited references fail to disclose or suggest at least one

feature of Applicants' independent claims, and so fail to render obvious the invention as recited in the independent claims, or their respective dependent claims.

### **CONCLUSION**

For at least the foregoing reasons, Applicants submit that the rejections are overcome, and respectfully requests that the rejections be withdrawn. Therefore, all pending claims are in condition for allowance, and such action is earnestly solicited. The Examiner is respectfully requested to contact the undersigned by telephone if such contact would further the examination of the present application.

Please charge any shortages and credit any overcharges to our Deposit Account number 02-2666.

Respectfully submitted,  
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I hereby certify that this correspondence is being submitted electronically via EFS Web on the date shown below.

Date: September 2, 2008

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